

(3) Consult, as appropriate, with the Comptroller of the Department of Defense (C, DoD) and the Director, Program Analysis and Evaluation, to ensure that medical planning, programming, and budgeting activities are integrated with the DoD PPBS. The C, DoD, shall allocate and reallocate the funds in the Defense Health Program account and the medical facility military construction account among the DoD Components in accordance with ASD(HA) instructions, as coordinated with the USD(P&R), and applicable law.

(4) Obtain through the Chairman of the Joint Chiefs of Staff, submissions of the operational and other needs of the Commanders of the Unified Combatant Commands, and obtain submissions from the Secretaries of the Military Departments of their proposed elements of the medical unified program and budget, and integrate those submissions as appropriate.

(5) Coordinate and exchange information with other OSD officials and the Heads of DoD Components having collateral or related functions.

(6) Use existing facilities and services of the Department of Defense and other Federal and non-Federal Agencies, whenever practicable, to achieve maximum efficiency and economy.

(b) Other OSD officials and the Heads of the DoD Components shall coordinate with the ASD(HA) on all matters related to the responsibilities and functions in § 367.3.

§ 367.5 Authorities.

The ASD(HA) is hereby delegated authority to:

(a) Issue DoD Instructions, DoD publications, and one-time directive-type memoranda, consistent with DoD 5025.1–M¹, that implement policy approved by the Secretary of Defense in assigned fields of responsibility. Instructions to the Military Departments shall be issued through the Secretaries of those Departments. Instructions to Unified Combatant Commands shall be communicated through the Chairman of the Joint Chiefs of Staff.

(b) Obtain reports, information, advice, and assistance, consistent with DoD Directive 8910.1² as necessary to carry out assigned functions.

(c) Communicate directly with the Heads of the DoD Components. Communications to the Commanders of the Unified Combatant Commands shall be coordinated through the Chairman of the Joint Chiefs of Staff.

(d) Make determinations on the uniform implementation of laws on separation from the Military Departments due to physical disability as prescribed in DoD Directive 1332.18³.

(e) Develop, issue, and maintain regulations, with the coordination of the Military Departments, as necessary and appropriate to fulfill the Secretary of Defense's responsibility to administer 10 U.S.C. chapter 55.

(f) Establish arrangements for DoD participation in nondefense governmental programs for which the ASD(HA) has been assigned primary cognizance.

(g) Communicate with other Government officials, representatives of the legislative branch, members of the public, and representatives of foreign governments, as appropriate, in carrying out assigned functions.

PART 367a—UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES (USUHS)

Sec.

367a.1 Purpose.

367a.2 Definitions.

367a.3 Mission and scope.

367a.4 Policy.

367a.5 Organization.

367a.6 Responsibilities and functions.

367a.7 Relationships.

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APPENDIX A TO PART 367a—DELEGATIONS OF AUTHORITY

AUTHORITY: 10 U.S.C. 136.

SOURCE: 56 FR 21079, May 7, 1991, unless otherwise noted.

§ 367a.1 Purpose.

This part updates the mission, responsibilities, functions, and authorities of the USUHS and provides for its

¹Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

²See footnote 1 to § 367.5(a).

³See footnote 1 to § 367.5(a).

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governance pursuant to chapter 104, section 2112, et seq. of title 10, United States Code and section 8091 of Public Law 101-511, "Department of Defense Appropriations Act, 1991," November 5, 1990.

§ 367a.2 Definitions.

(a) *Academic Affairs.* Faculty appointments, promotions and organization, awarding of degrees, curriculum design and implementation, academic requirements for admission and graduation, and related matters vital to the academic well-being of the USUHS.

(b) *DoD Components.* The Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Unified and Specified Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities.

(c) *Uniformed Services.* The Army, Navy, Air Force, Marine Corps, Coast Guard, Commissioned Corps of the U.S. Public Health Service, and the Commissioned Corps of the National Oceanic and Atmospheric Administration.

§ 367a.3 Mission and scope.

The mission of the USUHS is to educate and train competent medical personnel qualified to serve the needs of the Uniformed Services of the United States through providing the highest quality education programs in the health sciences. Within that mission, the University shall place high priority on educating and training personnel to meet the combat and peacetime medical needs of the armed forces. The University is authorized to grant appropriate advanced academic degrees; establish postdoctoral and postgraduate programs, and technological institutes; conduct medical readiness training and continuing education for uniformed members of the health professions; and prepare individuals for careers in the health professions in the Uniformed Services.

§ 367a.4 Policy.

Consistent with the performance of the Department's mission and with established practices covering academic independence and integrity in the

fields of medical and health sciences education, the Department of Defense recognizes the University's Board of Regents' unique role in advising the Secretary of Defense. In particular, consistent with applicable law and accomplishment of the Department's mission, the Assistant Secretary of Defense (Health Affairs) (ASD(HA)) will be guided by the advice of the USUHS Board of Regents on academic affairs.

§ 367a.5 Organization.

The USUHS shall consist of:

(a) A Board of Regents, which shall be established and operated in accordance with the Federal Advisory Committee Act and shall consist of members appointed as provided by section 2113(a) of chapter 104, section 2112, et seq. of title 10, United States Code.

(b) A President of the USUHS, who shall be the chief executive officer of the University, and who also is the Dean of the University described in section 2113(a) of chapter 104, section 2112, et seq. of title 10, United States Code, and who shall report to the ASD(HA).

(c) A Dean of the F. Edward Hebert School of Medicine, who shall function as the chief academic officer of the F. Edward Hebert School of Medicine and report to the President of the USUHS.

(d) Other deans, academic officers, faculty members and administrative officials, staffs, and other subordinate organizations as may be required for the accomplishment of the University's mission.

(e) Students selected under procedures prescribed in accordance with section 2113(a) of chapter 104, section 2112, et seq. of title 10, United States Code and graduate students.

§ 367a.6 Responsibilities and functions.

(a) The Assistant Secretary of Defense (Health Affairs) shall exercise the authorities over the USUHS vested in the Secretary of Defense by chapter 104, section 2112, et seq. of 10 U.S.C. and section 8091 of Public Law 101-511, except that the authority to appoint the President of the USUHS is reserved to the Secretary of Defense. In this capacity, the ASD(HA) shall:

(1) Ensure effective operation of the University.

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(2) In matters of academic affairs, ensure that the advice of the Board of Regents is given due regard in accordance with the policy set forth in § 367a.4.

(3) Make arrangements with the Secretaries of the Military Departments and the heads of other DoD Components to provide for support of the USUHS as may be necessary to implement this part.

(b) The *Board of Regents* shall participate in the governance of the USUHS by advising the Secretary of Defense, through the ASD(HA), on academic affairs and administration and management of the USUHS.

(c) *The President of the Uniformed Services University of the Health Sciences* shall:

(1) Ensure that educational programs leading to a Doctor of Medicine or other advanced degrees in the health professions meet the standards of appropriate and recognized, accrediting, licensing, and certifying agencies.

(2) Carry out those responsibilities and functions about the supervision and management of University programs, activities, personnel, and resources as the ASD(HA) prescribes.

(d) The *Dean of the F. Edward Hebert School of Medicine* shall develop and administer policies and procedures on the academic affairs of the F. Edward Hebert School of Medicine.

§ 367a.7 Relationships.

(a) In carrying out the responsibilities and functions of chief executive officer of the USUHS, the President of the USUHS shall:

(1) Obtain advice from the Board of Regents as necessary to assist the President in performing the President's duties.

(2) Coordinate and exchange information and advice with elements of the OSD and other DoD Components having collateral or related responsibilities.

(3) Make use of established facilities and services in the Department of Defense and other Government Agencies, whenever practical, to avoid duplication and achieve maximum efficiency and economy.

(4) Consult and coordinate with other governmental and nongovernmental

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agencies on matters related to the mission and programs of the USUHS.

(b) The Heads of the DoD Components shall coordinate with the ASD(HA) on all matters relating to the mission and programs of the USUHS.

§ 367a.8 Authorities.

The ASD(HA) shall exercise the delegations of administrative authority contained in appendix A to this part.

APPENDIX A TO PART 367a— DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, and subject to the direction, authority, and control of the Secretary of Defense and in accordance with DoD policies, Directives, and Instructions, the ASD(HA), or in the absence of the ASD(HA), the person acting for the ASD(HA), is hereby delegated authority as required in the administration and operation of the USUHS to:

1. Obtain such information, consistent with the policies and criteria of DoD Directive 7750.5,¹ advice, and assistance from the DoD Components, as necessary, to carry out assigned responsibilities and functions.

2. Communicate directly with appropriate DoD Component personnel on matters related to the mission and programs of the USUHS.

3. Appoint civilian members of the faculty and staff under salary schedules and grant retirement and other related benefits prescribed by the Secretary of Defense so as to place the employees of the USUHS on a comparable basis with the employees of fully accredited schools of the health professions within the vicinity of the District of Columbia as provided by law.

4. Exercise the powers vested in the Secretary of Defense by 5 U.S.C. 301, 302(b), and 3101 regarding the employment, direction, and general administration of USUHS civilian personnel.

5. Fix rates of pay for wage-rate employees exempted from the Classification Act of 1949 by 5 U.S.C. 5102 on the basis of rates established under the Coordinated Federal Wage System. In fixing such rates, the ASD(HA) shall follow the wage schedule established by the DoD Wage Fixing Authority.

6. Establish advisory committees and employ part-time advisors, as approved by the Secretary of Defense, for the performance of USUHS functions consistent with the 10 U.S.C. 173; 5 U.S.C. 3109(b); DoD Directive

¹Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

5105.4,² "DoD Federal Advisory Committee Management Program," September 5, 1989; and the agreement between the Department of Defense and the Office of Personnel Management (OPM) regarding employment of experts and consultants, June 21, 1977.

7. Administer oaths of office to those entering the Executive branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with 5 U.S.C. 2903, and designate in writing, as may be necessary, officers and employees of the USUHS to perform this function.

8. Establish a USUHS Incentive Awards Board and pay cash awards to, and incur necessary expenses for the honorary recognition of, civilian employees of the Government whose suggestions, inventions, superior accomplishments, or other personal efforts, including special acts or services, benefit or affect the USUHS or its subordinate activities, in accordance with 5 U.S.C. 4503 and applicable OPM regulations.

9. In accordance with 5 U.S.C. 7532; Executive Orders 10450, 12333, and 12356; and DoD Directive 5200.2,³ "DoD Personnel Security Program," December 20, 1979; as appropriate:

(a) Designate any position in the USUHS as a "sensitive" position.

(b) Authorize, in case of an emergency, the appointment of a person to a sensitive position in the USUHS for a limited period of time for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed.

(c) Authorize the suspension, but not terminate the services, of an employee in the interest of national security in positions within the USUHS.

(d) Initiate investigations, issue personnel security clearances and, if necessary, in the interest of national security, suspend, revoke, or deny a security clearance for personnel assigned or detailed to, or employed by, the USUHS.

Any action to deny or revoke a security clearance shall be taken in accordance with procedures prescribed in DoD 5200.2-R,⁴ "DoD Personnel Security Program," January 1987.

10. Act as agent for the collection and payment of employment taxes imposed by chapter 21 of the Internal Revenue Code of 1954, as amended; and, as such agent, make all determinations and certifications required or provided for under section 3122 of the Internal Revenue Code of 1954, as amended, and section 205(p) (1) and (2) of the Social Security

Act, as amended (42 U.S.C. 405(p) (1) and (2)) about USUHS employees.

11. Authorize and approve overtime work for USUHS civilian officers and employees in accordance with 5 U.S.C. chapter 55, subchapter V, and applicable OPM regulations.

12. Authorize and approve:

(a) Temporary duty travel for military personnel assigned or detailed to the USUHS in accordance with Joint Travel Regulations, Volume 1, "Uniformed Service Members."

(b) Travel for USUHS civilian officers and employees in accordance with Joint Travel Regulations, Volume 2, "DoD Civilian Personnel."

(c) Invitational travel to non-DoD employees whose consultative, advisory, or other highly specialized technical services are required in a capacity that is directly related to, or in connection with, USUHS activities, in accordance with Volume 2, Joint Travel Regulations.

13. Approve the expenditure of funds available for travel by military personnel assigned or detailed to the USUHS for expenses about attendance at meetings of technical, scientific, professional, or other similar organizations in such instances where the approval of the Secretary of Defense, or designee, is required by law (37 U.S.C. 412 and 5 U.S.C. 4110 and 4111).

14. Develop, establish, and maintain an active and continuing Records Management Program pursuant to section 506(b) of the Federal Records Act of 1950 (44 U.S.C. 3102).

15. Establish and use imprest funds for making small purchases of material and services, other than personal services, for the USUHS, when it is determined more advantageous and consistent with the best interests of the Government, in accordance with DoD Directive 7360.10,⁵ "Disbursing Policies," January 17, 1989.

16. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of the USUHS consistent with 44 U.S.C. 3702.

17. Establish and maintain appropriate property accounts for the USUHS, and appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for USUHS property contained in the authorized property accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

18. Promulgate the necessary security regulations for the protection of property and places under the jurisdiction of the President

²See footnote 1 to section 1 of this appendix.

³See footnote 1 to section 1 of this appendix.

⁴See footnote 1 to section 1 of this appendix.

⁵See footnote 1 to section 1 of this appendix.

of USUHS, pursuant to DoD Directive 5200.8,⁶ “Security of Military Installations and Resources,” July 29, 1980.

19. Establish and maintain, for the functions assigned, an appropriate publications system for the promulgation of common supply and service regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD 5025.1-M,⁷ “DoD Directives System Procedures,” December 1990.

20. Enter into support and service agreements with the Military Departments, other DoD Components, or other Government Agencies, as required for the effective performance of USUHS functions and responsibilities.

21. Exercise the authority delegated to the Secretary of Defense by the Administrator of the General Services Administration for the disposal of surplus personal property.

22. Enter into and administer contracts, directly or through a Military Department, a DoD contract administration services component, or other Government Department or Agency, as appropriate, for supplies, equipment, and services required to accomplish the mission of the USUHS. To the extent that any law or Executive order specifically limits the exercise of such authority to persons at the Secretarial level, such authority shall be exercised by the appropriate Under Secretary or Assistant Secretary of Defense.

The ASD(HA) may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

PART 368—FUNCTIONS OF THE DEPARTMENT OF DEFENSE AND ITS MAJOR COMPONENTS

Sec.

368.1 Purpose.

368.2 Organizational relationships in the Department of Defense.

368.3 Functions of the Department of Defense.

368.4 Functions of the Joint Chiefs of Staff.

368.5 Functions of the Unified and Specified Combatant Commanders.

368.6 Functions of the Military Departments.

368.7 Functions of DoD Agencies.

AUTHORITY: 50 U.S.C. 401; 10 U.S.C. 125.

SOURCE: 52 FR 35417, Sept. 21, 1987, unless otherwise noted.

⁶See footnote 1 to section 1 of this appendix.

⁷See footnote 1 to section 1 of this appendix.

§ 368.1 Purpose.

This part promulgates the statement of the functions of the Department of Defense and its major components.

§ 368.2 Organizational relationships in the Department of Defense.

(a) All functions in the Department of Defense and its component agencies are performed under the authority, direction, and control of the Secretary of Defense.

(b) The Department of Defense is composed of the Office of the Secretary of Defense (OSD), the Military Departments and the Military Services within those Departments, the Joint Chiefs of Staff (JCS) and the Joint Staff, the Unified and Specified Combatant Commands, the Defense Agencies and DOD Field Activities, and such other offices, agencies, activities and commands as may be established or designated by law, or by the President or the Secretary of Defense. The functions of the heads of these offices shall be as assigned by the Secretary of Defense in accordance with existing law.

(1) In providing immediate staff assistance and advice to the Secretary of Defense, the Office of the Secretary of Defense and the Joint Chiefs of Staff, though separately identified and organized, function in full coordination and cooperation in accordance with 32 CFR part 371.

(i) The Office of the Secretary of Defense includes the Deputy Secretary of Defense, Under Secretaries of Defense, Director of Defense Research and Engineering, Assistant Secretaries of Defense, Comptroller of the Department of Defense, Director of Operational Test and Evaluation, General Counsel of the Department of Defense, Inspector General of the Department of Defense, and such other offices and officials as may be established by law or by the Secretary of Defense.

(ii) The Chairman and the Joint Chiefs of Staff are directly responsible to the Secretary of Defense for the functions assigned to them. To the extent it does not impair his independence in the performance of the duties as a member of the Joint Chiefs of Staff, each member of the Joint Chiefs